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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patent Application No. 10/526,851

Applicant: Kozikowski et al.

Filed: May 19, 2005

TC/AU: 1626

Examiner: Jason Michael Nolan

Docket No.: 234590 (Client Reference No. KOAL426532)

Customer No.: 45733

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**INFORMATION DISCLOSURE STATEMENT**

Pursuant to 37 CFR 1.97 and 1.98, the references listed on the enclosed Form PTO-1449 and/or Substitute Form PTO-1449 ("Form 1449") are submitted for consideration by the Examiner in the examination of the above-identified patent application.

The full consideration of the references in their entirety by the Examiner is respectfully requested and encouraged. Also, it is respectfully requested that the references be entered into the record of the present application and that the Examiner place his or her initials in the appropriate area on the enclosed Form 1449, thereby indicating the Examiner's consideration of each of the references.

The submission of the references listed on the Form 1449 is for the purpose of providing a complete record and is not a concession that the references listed thereon are prior art to the invention claimed in the patent application. The right is expressly reserved to establish an invention date earlier than the above-identified filing date in order to remove any reference submitted herewith as prior art should it be deemed appropriate to do so.

Further, the submission of the references is not to be taken as a concession that any reference represents art that is relevant or analogous to the claimed invention. Accordingly, the right to argue that any reference is not properly within the scope of prior art relevant to an examination of the claims in the above-identified application is also expressly reserved.

The Information Disclosure Statement is being filed:

- ☒ **within** any one of the following time periods: (a) within three months of the filing date of a national application other than a continued prosecution application under 37 CFR 1.53(d); (b) within three months of the date of entry of the national stage as set forth in 37 CFR 1.491 of an international application; (c) before the mailing date

of a first Office Action on the merits; or (d) before the mailing of a first Office Action after the filing of a request for continued examination under 37 CFR 1.114.

- ☐ **after** (a), (b), (c) or (d) above, but before the mailing date of a final action under 37 CFR 1.113, a Notice of Allowance under 37 CFR 1.311, or an action that otherwise closes prosecution in the application, and includes *one* of:
- ☐ the Statement under 37 CFR 1.97(e) (see "Statement under 37 CFR 1.97(e)" below).
- or*
- ☐ the fee of \$180 set forth in 37 CFR 1.17(p) (see "Fees" below).
- ☐ **after** the mailing date of a final action under 37 CFR 1.113 or a Notice of Allowance under 37 CFR 1.311, or an action that otherwise closes prosecution in the application, and on or before payment of the issue fee, and includes the Statement under 37 CFR 1.97(e) (see "Statement under 37 CFR 1.97(e)" below), and the fee of \$180 as set forth in 37 CFR 1.17(p) (see "Fees" below).
- ☐ **after** the mailing date of a Notice of Allowance under 37 CFR 1.311, and on or before payment of the issue fee, and **within** thirty days of receiving each item of information contained in the Information Disclosure Statement, and includes the Statement under 37 CFR 1.704(d) (see "Statement under 37 CFR 1.704(d)" below), and the fee of \$180 as set forth in 37 CFR 1.17(p) (see "Fees" below).

NOTE: This is for original applications except applications for a design patent, filed on or after May 29, 2000, wherein a paper containing only an Information Disclosure Statement in compliance with 37 CFR 1.97 and 1.98 is being filed.

#### Copies of the References

- ☒ Copies of all of the references listed on the enclosed Form 1449 are enclosed herewith.
- ☐ Copies of U.S. patents and patent applications that are listed on the accompanying Form 1449 are not enclosed herewith. Copies of other references identified on the accompanying Form 1449 are enclosed herewith.
- ☐ For each reference not in the English language, attached is an English translation, a concise explanation of relevance, an English-language equivalent/patent, an English-language abstract, or an English-language version of the search report or action by a foreign patent office in a counterpart foreign application indicating the degree of relevance found by the foreign office pursuant to 37 CFR 1.98(a)(3).
- ☐ A copy of the foreign search report is enclosed herewith.
- ☐ The references listed on the enclosed Form 1449 were previously identified in the parent application(s) of the present application, and copies of the references were furnished at that time. Accordingly, additional copies of the references are not submitted herewith, so as not to burden the file with duplicate copies of references. The Examiner is respectfully requested to carefully review the references in accordance with the requirements set out in the Manual of Patent Examining

Procedure. In accordance with 37 CFR 1.98(d), the details of the parent application(s) relied upon for an earlier filing date under 35 USC 120 in which copies of the references were previously furnished are set out below:

U.S. APPLICATIONS		STATUS ( <i>check one</i> )		
U.S. APPLICATIONS	U.S. FILING DATE	PATENTED	PENDING	ABANDONED
1.				
2.				
3.				

**Statement under 37 CFR 1.97(e)**

- ☐ The **undersigned** hereby states that each item of information contained in the Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign patent application not more than three months prior to the filing of the Information Disclosure Statement.
- ☐ The **undersigned** hereby states that no item of information contained in the Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign patent application, and, to the knowledge of the undersigned after making reasonable inquiry, no item of information contained in the Information Disclosure Statement was known to any individual designated in 37 CFR 1.56(c) more than three months prior to the filing of the Information Disclosure Statement.

**Statement under 37 CFR 1.704(d)**

- ☐ The **undersigned** hereby states that each item of information contained in the Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart application and that this communication was not received by any individual designated in 37 CFR 1.56(c) more than thirty days prior to the filing of the Information Disclosure Statement.

**Fees**

- ☒ No fee is owed by the applicant(s).
- ☐ Charge Deposit Account No. 12-1216 in the amount of **\$180.00** (37 CFR 1.17(p)).  
(A duplicate copy of this communication is enclosed for that purpose.)

**Authorization to Charge Additional Fees**

- ☒ If any additional fees are owed in connection with this communication, please charge Deposit Account No. 12-1216. (A duplicate copy of this communication is enclosed for that purpose.)

In re Appln. of Kozikowski et al.  
Application No. 10/526,851

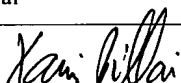
**Instructions as to Overpayment**

- ☒ Credit Account No. 12-1216.  
☐ Refund



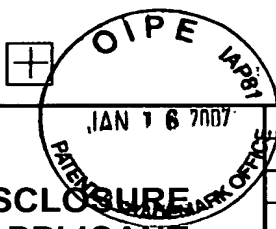
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Date: January 9, 2007

<b>MAILING/TRANSMISSION CERTIFICATE UNDER 37 CFR 1.8 OR 1.10</b>			
I hereby certify that this document and all accompanying documents are, on the date indicated below, being <input type="checkbox"/> deposited with the U.S. Postal Service using "Express Mail" service in an envelope addressed in the same manner indicated on this document with Express Mail Label Number _____, <input checked="" type="checkbox"/> deposited with the U.S. Postal Service with sufficient postage as first class mail in an envelope addressed in the same manner indicated on this document, or <input type="checkbox"/> facsimile transmitted to the U.S. Patent and Trademark Office at fax number: (571) 273-8300.			
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Signature		Date	January 9, 2007

IDS (Revised 2006 10 25)

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Substitute for form 1449A/B/PTO			<b>Complete if Known</b>	
<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b> (Use as many sheets as necessary)			Application Number	10/526,851
			Filing Date	May 19, 2005
			First Named Inventor	Kozikowski, et al.
			Group Art Unit	1626
			Examiner Name	Nolan, Jason Michael
			Attorney Docket Number	234590
			Client Reference No.	KOAL426532
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U.S. PATENT DOCUMENTS						
Examiner Initials	Doc. No.	U.S. Patent Document		Name of Patentee or Applicant	Date of Publication	Filing Date If Appropriate
		Application or Patent Number	Kind Code			

FOREIGN PATENT DOCUMENTS								
Examiner Initials	Doc. No.	Foreign Patent Document			Name of Patentee or Applicant	Date of Publication	Translation	
		Office	Application or Patent Number	Kind Code			Yes	No**

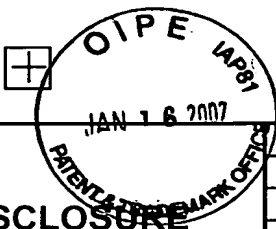
OTHER - NON PATENT LITERATURE DOCUMENTS								
Examiner Initials	Doc. No.	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number (s), publisher, city and/or country where published.					Translation	
							Yes	No**
	A E	BALENDRAN et al., PDK1 acquires PDK2 activity in the presence of a synthetic peptide derived from the carboxyl terminus of PRK2, <i>Curr Biol.</i> , 9, 393-404 (1999)						
	A F	BELLACOSA et al., P. N. A retroviral oncogene, akt, encoding a serine-threonine kinase containing an SH2-like region, <i>Science</i> , 254, 274-277 (1991)						
	A G	BLAIR et al., Akt-dependent potentiation of L channels by insulin-like growth factor- 1 is required for neuronal survival, <i>J Neurosci</i> , 19, 1940-1951 (1999)						
	A H	BROGNARD et al., Akt/protein kinase b is constitutively active in non-small cell lung cancer cells and promotes cellular survival and resistance to chemotherapy and radiation, <i>Cancer Res.</i> , 61, 3986-3997 (2001)						
	A I	BRUNET et al., Akt promotes cell survival by phosphorylating and inhibiting a Forkhead transcription factor, <i>Cell</i> , 96, 857-868 (1999)						
	A J	CARDONE et al., Regulation of cell death protease caspase-9 by phosphorylation, <i>Science</i> , 282, 1318-1321 (1998)						
	A K	CHALECKA-FRANASZEK et al., Lithium activates the serine/threonine kinase Akt-1 and suppresses glutamate-induced inhibition of Akt-1 activity in neurons, <i>Proc Natl Acad Sci U S A</i> , 96, 8745-8750 (1999)						
	A L	CHEN et al., Suppression of transforming growth factor-β-induced apoptosis through a phosphatidylinositol 3-kinase/Akt-dependent pathway, <i>Oncogene</i> , 17, 1959-1968 (1998)						
	A M	CLARK et al., Constitutive and inducible Akt activity promotes resistance to chemotherapy, trastuzumab, and tamoxifen in breast cancer cells, <i>Molec Canc Ther.</i> , 1, 707-717 (2002)						
	A N	COFFER et al., Molecular cloning and characterisation of a novel putative protein-serine kinase related to the cAMP-dependent and protein kinase C families, <i>Eur J Biochem.</i> , 201, 475-481 (1991)						
	A O	CROWDER et al., Phosphatidylinositol 3-kinase and Akt protein kinase are necessary and sufficient for the survival of nerve growth factor-dependent sympathetic neurons. <i>J Neurosci</i> , 18, 2933-2943 (1998)						
	A P	DATTA et al., Akt Phosphorylation of BAD Couples Survival Signals to the Cell-Intrinsic Death Machinery, <i>Cell</i> , 91, 231-241 (1997)						
	A Q	DATTA et al., Cellular survival: a play in three Akts, <i>Genes Dev.</i> , 13, 2905-2927 (1999)						

Examiner Signature		Date Considered	
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\* A concise statement of relevance is being submitted in lieu of a translation. 37 CFR 1.98(a)(3).

+ An English-language equivalent/patent, or an English-language abstract, or an English-language version of the search report or action by a foreign patent office in a counterpart foreign application indicating the degree of relevance found by the foreign office is being submitted in lieu of a concise explanation of relevance under 37 CFR 1.98(a)(3).

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# **INFORMATION DISCLOSURE STATEMENT BY APPLICANT**

(Use as many sheets as necessary)

## **Complete if Known**

Application Number	10/526,851
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Examiner Name	Nolan, Jason Michael
Attorney Docket Number	234590
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## **OTHER - NON PATENT LITERATURE DOCUMENTS**

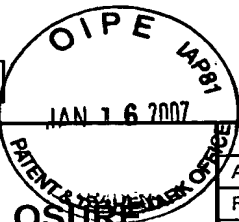
Examiner Initials	Doc. No.	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number (s), publisher, city and/or country where published.	Translation	
			Yes	No**
	A R	DEL PESO et al., Interleukin-3-induced phosphorylation of BAD through the protein kinase Akt, <i>Science</i> , 278, 687-689 (1997)		
	A S	DELCOMMENNE et al., Phosphoinositide-3-OH kinase-dependent regulation of glycogen synthase kinase 3 and protein kinase B/AKT by the integrin-linked kinase, <i>Proc Natl Acad Sci U S A</i> , 95, 11211-11216 (1998)		
	A T	DUDEK et al., Regulation of Neuronal Survival by the Serine-Threonine Protein Kinase Akt, <i>Science</i> , 275, 661-665 (1997)		
	A U	EVES et al., N. Akt, a target of phosphatidylinositol 3-kinase, inhibits apoptosis in a differentiating neuronal cell line, <i>Mol Cell Biol.</i> , 18, 2143-2152 (1998)		
	A V	FILIPPA et al., Mechanism of protein kinase B activation by cyclic AMP-dependent protein kinase, <i>Mol Cell Biol.</i> , 19, 4989-5000 (1999)		
	A W	GERBER et al., Vascular endothelial growth factor regulates endothelial cell survival through the phosphatidylinositol 3'-kinase/Akt signal transduction pathway, <i>J Biol Chem.</i> , 273, 30336-30343 (1998)		
	A X	HAUSLER et al., Protection of CD95-mediated apoptosis by activation of phosphatidylinositide 3-kinase and protein kinase B, <i>Eur J Immunol</i> , 28, 57-69 (1998)		
	A Y	HU et al., Synthesis and AKT inhibitory properties of a 1D-3, 4-dideoxyphosphatidylinositol ether lipid, <i>Tetrahedron Letters</i> , 41, 7415-7418 (2000)		
	A Z	JONES et al., Molecular cloning and identification of a serine/threonine protein kinase of the second-messenger subfamily, <i>Proc Natl Acad Sci U S A</i> , 88, 4171-4175 (1991)		
	B A	KANG et al., Akt protein kinase enhances human telomerase activity through phosphorylation of telomerase reverse transcriptase subunit, <i>J Biol Chem.</i> , 274, 13085-13090 (1999)		
	B B	KAUFFMANN-ZEH et al., Suppression of c-Myc-induced apoptosis by Ras signalling through PI(3)K and PKB, <i>Nature</i> , 385, 544-548 (1997)		
	B C	KENNEDY et al., Akt/Protein kinase B inhibits cell death by preventing the release of cytochrome c from mitochondria, <i>Mol Cell Biol.</i> , 19, 5800-5810 (1999)		
	B D	KHWAJA et al., Matrix adhesion and Ras transformation both activate a phosphoinositide 3-OH kinase and protein kinase B/Akt cellular survival pathway, <i>The EMBO Journal</i> , 16, 2783-2793 (1997)		
	B E	KOPS et al., Direct control of the Forkhead transcription factor AFX by protein kinase B, <i>Nature</i> , 398, 630-634 (1999)		
	B F	KOZIKOWSKI et al., Synthesis of 1D-3-Deoxy-and-2, 3-Dideoxyphosphatidylinositol., <i>Tetrahedron</i> , 53, 14903-14914 (1997)		
	B G	KULIK et al., Antiapoptotic Signalling by the Insulin-Like Growth Factor I Receptor, Phosphatidylinositol 3-Kinase, and Akt, <i>Molecular and Cellular Biology</i> , 17, 1595-1606 (1997)		
	B H	KULIK et al., Akt-dependent and -independent survival signaling pathways utilized by insulin-like growth factor I, <i>Molecular and Cellular Biology</i> , 18, 6711-6718 (1998)		
	B I	LYNCH et al., Integrin-linked kinase regulates phosphorylation of serine 473 of protein kinase B by an indirect mechanism, <i>Oncogene</i> , 18: 8024-8032 (1999)		

Examiner Signature	Date Considered
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Sheet	3	of	3
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